THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 15349 of 2006

DATED: 26-07-2006

Between:

Nenavath China Sanga Naik.

..Petitioner.

and

The Election Officer, Pillutla Gram Panchayat, Machavaram Mandal, Guntur District-cum-Assistant Engineer, NSP Canals, Karampudi, Guntur District and others.

..Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.15349 of 2006

ORDER:

Heard both the counsel.

This writ petition is filed for a writ of mandamus declaring the action of the respondents in rejecting the petitioner's nomination to Ward No.12 of Pillutla Gram Panchayat as illegal, arbitrary and contrary to Section 19(2)(I) of the Andhra Pradesh Panchayat Raj Act, 1994 and consequently to direct the respondents to accept the nomination of the petitioner as valid nomination and permit him to the elections to be conducted on 29-07-2006 and pass such other suitable orders.

The learned counsel for the petitioner placed a strong reliance on the decision in W.P.No.5776 of 1984 in ***M. NARAYAN REDDY v. THE ASSISTANT COLLECTOR, KANDUKUR***[1] and would contend that in the light of the said decision, this is not a disqualification at all. He would further contend that the appellate authority had not recorded any reasons and in the light of the same, the rejection may have held to be bad.

Prima facie, this Court is of the opinion that the appellate authority had not applied its mind while making the order. But however, in view of the facts and circumstances and inasmuch as

the petitioner is having an effective alternative remedy by way of an election petition, liberty is given to the petitioner to approach the Election Tribunal.

With the above observation, the Writ Petition is disposed of. No order as to costs.

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P.S.NARAYANA,J

Dated:26-07-2006

sj

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[1] 1984 (2) APLJ (SN) 28